



## MILPITAS PLANNING COMMISSION STAFF REPORT

May 28, 2014

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**APPLICATION:** **VIP MOTORS CUP -1053 Sinclair Frontage - UP14-0004-** A request for a Conditional Use Permit to allow an indoor auto broker business in an existing industrial building located at 1053 Sinclair Frontage.

**RECOMMENDATION:** **Staff recommends that the Planning Commission: Adopt Resolution No. 14-022 approving Conditional Use Permit No. UP14-0004 to allow an indoor auto broker business in an existing industrial building located at 1053 Sinclair Frontage.**

**LOCATION:**

Address/APN: 1053 Sinclair Frontage Road (86-31-054)  
Area of City: Ames Industrial Park

**PEOPLE:**

Project Applicant: Bryan B. Shisler for VIP Motors of California Incorporated  
Property/Business Owner: AMES, INDUSTRIAL PARTNERS LTD.  
Project Planner: Marge Sung, Assistant Planner

**LAND USE:**

General Plan Designation: Manufacturing and Warehousing (MW)  
Zoning District: Heavy Industrial (M2)  
Overlay District: Site and Architectural Overlay (-S)

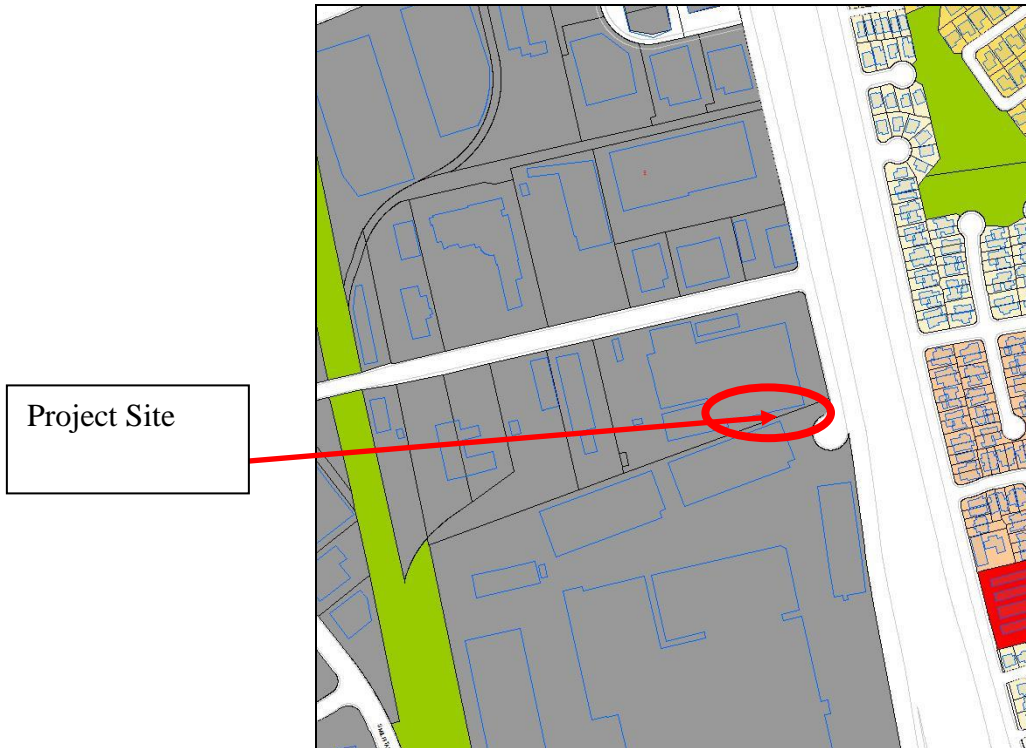
**ENVIRONMENTAL:** Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) since there will be no interior or exterior modifications to an existing industrial building.

### EXECUTIVE SUMMARY

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VIP Motors of California Incorporated is requesting a Conditional Use Permit to allow an indoor auto broker business in an existing industrial building located at 1053 Sinclair Frontage. The use is proposing to occupy a total of 30,200 square feet of building area, including 1,018 square feet for office space, 2,625 square feet for minor repair and detailing area, and 26,557 square feet of display area. The applicant is proposing to sell luxury and high end vehicles. The applicant also proposes the use of cleaning appliances for car cleaning and detailing, such as steam evaporator appliance. No water will be used for the car cleaning. The minor maintenance to the vehicles includes minor component repairs. The business hours are from 10 am to 7 pm Monday through Friday and 11 am to 5 pm on Saturday. No exterior or interior alteration is proposed.

**Map 1**  
**Project Location**



**Map 2**  
**Project Site**



## **The Front of The Tenant Space**



## **BACKGROUND**

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### ***History***

The property was developed in 1965 as an industrial building complex with a total of approximately 175,000 square feet on an eight (8) acre lot. The site has been utilized as industrial uses, such as warehousing and manufacturing.

On March 6, 2014, VIP Motors moved into the existing tenant space, 30,200 square feet, without proper permits from the City's Building Department as well as without a Conditional Use Permit.

### ***The Application***

On March 20, 2014, Bryan Shisler representing VIP Motors submitted an application pursuant to Section 57 of the Milpitas Zoning Ordinance for a Conditional Use Permit, UP14-0004. The following is a summary of the applicant's request:

- *Conditional Use Permit:* To allow indoor automobile sales in an existing industrial building located at 1053 Sinclair Frontage. Pursuant to Table 10-7.02-1 of the Milpitas Zoning Ordinance, the proposed use on the industrial property requires Planning Commission's approval through a Conditional Use Permit.

## **PROJECT DESCRIPTION**

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### ***Overview***

Agenda Item VIII-1: VIP Motors CUP May 28, 2014.

VIP Motors is requesting a Conditional Use Permit to allow indoor automobile sales in an existing industrial building located at 1053 Sinclair Frontage. Minor maintenance and repair is also included with this application, and includes fixing loose sun visors and non-working glove box lock, replacing door gaskets and dead light bulbs and other non-operational item repairs. Mechanical and/or engine repairs are not proposed nor permitted at this time as part of this use. In the future, the applicant may plan to offer other auto repair services, such as oil change and power train work, which is a permitted use under Table 10-7.02-1 of the Milpitas Zoning Code, subject to compliance with the Milpitas Building and Fire Codes.

### ***Location and Context***

The proposed site is located within the Ames Industrial Park on the west side of Sinclair Frontage Road, approximately 300 feet south of Ames Avenue. The site is zoned and designated as Heavy Industrial and is surrounded by industrial properties and uses to the north, the south, and the west. The property to the east is Sinclair Frontage Road and Interstate Highway 680.

There are multiple tenants in the industrial building on the property. The proposed indoor vehicle sales use is on the southeast corner of the building, facing Sinclair Frontage Road. The use is proposing to occupy 30,200 square feet of building area including 1,018 square feet for office space, 2,625 square feet for repair and detailing area, and 26,557 square feet of display area. No interior or exterior alterations to the building are proposed.

## **PROJECT ANALYSIS**

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### ***General Plan and Zoning Conformance***

The project is consistent with the Milpitas General Plan Policies in that the project provides a variety of industrial uses, indoor auto sales, minor restoration and the future auto repair. The proposal includes an economic opportunity to serve the local residents and the region.

The Project complies with the Milpitas Zoning Ordinance in terms of land use. The Zoning designation of the site is Heavy Industrial with Site and Architectural Overlay (M2-S). The proposed uses are indoor vehicle sales, repair, detailing, and display. The use of auto repair is permitted in the Heavy Industrial Zoning District. The project is in compliance with the Milpitas Zoning Ordinance with a Conditional Use Permit approval for the vehicle sales.

### ***Development Standards***

There is no exterior alteration to the building proposed within this application. The project site was constructed per the City's development standards based on the Heavy Industrial Zoning District in terms of land use, setback, and building height.

### ***Landscaping & Open Space Design***

Mature landscaping is provided and well-maintained on the project site and frontage along Sinclair Frontage Road. The required front yard setback area, 25 feet from Sinclair Frontage Road, is planted with trees, shrubs, and grass.

### ***Parking***

Existing onsite parking for the entire industrial complex is 115 parking stalls. 44 parking spaces are provided for the tenant spaces on the east side of the property facing Sinclair Frontage Road. The applicant is proposing an auto broker use with indoor showroom. Per Milpitas Zoning Ordinance Section 53.09-2, uses not specifically mentioned in the Zoning Ordinance, the requirements for off-street parking shall be determined by the Planning Commission through the interpretation process based on uses which create similar demands for off-street parking spaces.

There are 10 parking spaces designated to this location on site. Per applicant's statement, the auto sales business is primarily conducted via the internet and email, and is by appointment only. Five (5) parking spaces will be assigned to the auto broker business for the customer parking. The applicant anticipates no more than five (5) customers at any given time daily. Other industrial uses on site generate low parking demand, and the existing on-site parking is anticipated to accommodate the proposed use. Given these factors staff recommends a parking requirement of ten (10) parking spaces for the proposed use.

### ***Access & Circulation***

A driveway is located directly in front of the building and provides direct access to the public street, Sinclair Frontage Road.

## **FINDINGS FOR APPROVAL**

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A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

### ***Conditional Use Permit (Section XI-10-57-04-1(F))***

- 1. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.*

The project is consistent with this finding because the project is in the existing industrial building and is permitted under the Zoning Ordinance with a Conditional Use Permit. The proposal increases economic opportunity, and as conditioned, will not be detrimental to property or improvements in the vicinity nor to the public health, safety, and general welfare because the building exists and all uses will be conducted wholly within the building.

The applicant will be required to provide ten (10) parking spaces. The auto sales business is primarily conducted via the internet and email, and is by appointment only. It is anticipated that no more than five (5) customers will be at the site at any given time daily. Other industrial uses on site generate low parking demand, and the existing parking condition is anticipated to accommodate the proposed use.

- 2. The project is consistent with the Milpitas Zoning Ordinance.*

The project is consistent with this finding because the industrial complex was constructed in 1965 in conformance with the Milpitas Zoning Ordinance in terms of land use and development standards in terms of land use, setbacks, floor area ratio (FAR), and height, with no proposed modifications under this approval. The proposed indoor auto sales is permitted with approval of a Conditional Use Permit.

In terms of parking analysis, based upon the discretionary review process and the interpretation process, the Planning Commission can review the project and determine if the proposed use has an impact on the surrounding environment or if the proposed use is appropriate for the location. As discussed above, the proposed indoor auto broker business is an internet based business and is by appointment only. No more than five (5) customer visits at any given time per day are anticipated at the facility. Ten (10) parking spaces are designated for this proposal and parking is sufficient for the proposed use.

*3. The project is consistent with the Milpitas General Plan.*

The project is consistent with this finding because the proposed use supports the following General Plan policies:

- Policy 2.a-I-3 Encourage economic pursuits which will strengthen and promote development through stability and balance.
- Policy 2.a-I-5 Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints.

The proposed indoor auto broker business will encourage economic pursuits by operating a sales business in an existing unoccupied industrial building with Conditional Use Permit approval. The proposal will provide economic opportunities to the Milpitas residents and around the region by providing the sale of high end and classic automobiles.

## **ENVIRONMENTAL REVIEW**

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The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301 of the CEQA Guidelines, Existing Facilities. The project site is proposed within an existing industrial building complex. No exterior or interior alteration proposed.

## **PUBLIC COMMENT/OUTREACH**

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Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on May 16, 2014. In addition 414 notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), and posted at City Hall.

## **CONCLUSION**

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The proposed project is to allow indoor automobile sales in an existing industrial building. No interior or exterior alteration is proposed within this application. In order to allow indoor automobile sales in the industrial zoning district, the project requires a Conditional Use Permit approved by the Planning Commission. The auto sales business is proposed to be completed primarily online. The daily traffic visit shall be under 10 appointments as conditioned at any given time.

## **RECOMMENDATION**

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STAFF RECOMMENDS THAT the Planning Commission:

1. Conduct Public Hearing; and
2. Adopt Resolution No. 14-022 approving Conditional Use Permit No. UP14-0004 to allow indoor vehicle sales in an existing industrial building located at 1053 Sinclair Frontage.

## **ATTACHMENTS**

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A: Resolution No. 14-022  
B: Site Plan  
C: Floor Plan  
C: Applicant's statement